

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

IN RE: **Anthony Lewis Vanlanham**
Cornelia Vanlanham
Debtor(s)

Case No. **14-60679**

Chapter 13 Proceeding

☒ **AMENDED** ☐ **MODIFIED**
DEBTOR(S)' CHAPTER 13 PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be Variable Payments, paid by ☒ Pay Order or ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$45,045.24.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 10% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
American Credit Accept 2009 Lincoln MKS	\$162.50	

III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks

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Continuation Sheet # 2

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____."

Debtor

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Bk of Amer 9211 Bellgrove Ct. Killeen, TX 76542		\$143,978.00	\$1,217.00

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
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Continuation Sheet # 4

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).
Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately 10% of their allowed claims.

Totals:

Administrative Claims	<u>\$3,073.00</u>
Priority Claims	<u>\$0.00</u>
Arrearage Claims	<u>\$11,690.22</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$19,586.00</u>
Unsecured Claims	<u>\$37,917.00</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Tax Refunds

Mr. and Ms. Vanlanham will give \$2,000.00 from their income tax refunds for the first three years of the bankruptcy. They have a minor child living with them who will graduate soon. Mr. Vanlanham will be finishing school in 3 years. For these two reasons, they are anticipating their refunds decreasing in year 4 of the bankruptcy and they will not be contributing from them after the decrease.

Respectfully submitted this date: 11/4/2014.

/s/ Samantha Kehl

Samantha Kehl
3900 W. Waco Dr.
Waco, TX 76710
Phone: (254) 870-0105 / Fax: (254) 235-1510
(Attorney for Debtor)

/s/ Anthony Lewis Vanlanham

Anthony Lewis Vanlanham
9211 Bellgrove Ct.
Killeen, TX 76542
(Debtor)

/s/ Cornelia Vanlanham

Cornelia Vanlanham
9211 Bellgrove Ct.
Killeen, TX 76542
(Joint Debtor)

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EXHIBIT "B" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>	<u>Month</u>	<u>Payment</u>
1	\$1,010.62	21	\$575.00	41	\$750.00
2	\$484.62	22	\$575.00	42	\$750.00
3	\$575.00	23	\$575.00	43	\$750.00
4	\$575.00	24	\$575.00	44	\$750.00
5	\$575.00	25	\$575.00	45	\$750.00
6	\$575.00	26	\$575.00	46	\$750.00
7	\$575.00	27	\$575.00	47	\$750.00
8	\$2,575.00	28	\$575.00	48	\$750.00
9	\$575.00	29	\$575.00	49	\$750.00
10	\$575.00	30	\$575.00	50	\$750.00
11	\$575.00	31	\$575.00	51	\$750.00
12	\$575.00	32	\$2,575.00	52	\$750.00
13	\$575.00	33	\$575.00	53	\$750.00
14	\$575.00	34	\$575.00	54	\$750.00
15	\$575.00	35	\$575.00	55	\$750.00
16	\$575.00	36	\$575.00	56	\$750.00
17	\$575.00	37	\$750.00	57	\$750.00
18	\$575.00	38	\$750.00	58	\$750.00
19	\$575.00	39	\$750.00	59	\$750.00
20	\$2,575.00	40	\$750.00	60	\$750.00

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CHAPTER **13**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on November 5, 2014, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Samantha Kehl

Samantha Kehl
Bar ID:24062821
The Kehl Law Firm, P.C.
3900 W. Waco Dr.
Waco, TX 76710
(254) 870-0105

Afni, Inc
Attn: Bankruptcy
PO Box 3427
Bloomington, IL 61702-3427

Bk of Amer
xxxxx8922
PO Box 940335
Simi Valley, CA 93094-0335

Credit Coll
PO Box 9134
Needham, MA 02494

American Credit Accept
xxxxxxxxxxxxx1001
961 E Main St. 2nd Floor
Spartanburg, SC 29302

Central Finl Control
PO Box 66044
Anaheim, CA 92816

Dept of Defense
xxxxx4489
8899 E 56th St
Indianapolis, IN 46249

Anthony Lewis Vanlanham
9211 Bellgrove Ct.
Killeen, TX 76542

CenturyLink
xxxxx7888
PO Box 2961
Phoenix, AZ 85062

DIRECTV
xxxxx7080
PO Box 78626
Phoenix, AZ 85062-8626

Bank of America
P.O. Box 650070
Dallas, TX 75265-0070

Chex Systems, Inc.
Attn: Consumer Relations
7805 Hudson Road, Suite 100
Woodbury, MN 55125

Equifax
PO Box 740241
Atlanta, GA 30374-0241

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CHAPTER **13**

CERTIFICATE OF SERVICE

(Continuation Sheet #1)

Financial Corp of America
12515 Research Blvd Bld2, Ste 100
Austin, TX 78759

Quest Diagnostics
xxxxxx2232
P.O. Box 740779
Cincinnati, OH 45274-0779

United States Attorney General
Department of Justice
950 Pennsylvania Ave, N.W.
Washington, DC 20530

Internal Revenue Service
Special Procedures Staff-Insolvency
300 E. 8th Street
STOP 5026 AUS
Austin, TX 78701

Ray Hendren
3410 Far West Blvd, Suite 200
Austin, TX 78731

US DEPT OF ED/GLELSI
xxxxxxxxxxxxx8581
PO Box 7860
Madison, WI 53707

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Scott & White Hospital
xxxxxx2888
2401 S. 31st
Temple, TX 76508

White Knight Pest Control
xxP190
1900 FM 967 Suite A
Buda, TX 78610

Military Star
PO Box 650410
Dallas, TX 75265-0410

Seton Medical Center
xxxxxx2194
1201 West 38th Steet
Austin, TX 78705

National Asset Management
626 N 4th St. Suite 201A
Steubenville, OH 43952

Time Warner Cable
xxxxx2151
3140 W Arrowood Road
Charlotte, NC 28273

Navy Federal Cr Union
xxxxxxxxxxxxxxxxx8501
820 Follin Ln SE
Vienna, VA 22180

Trans Union Consumer Relations
PO Box 900
Woodlyn, PA 19094-0900

NCO Financial Services
PO Box 15636
Wilmington, DE 19850

United States Attorney
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216